

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-158

Also Case No. 3:12-cv-013

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

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ANTHONY STARGELL,

Defendant.

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**ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. Nos. 54, 57), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 26, 2012<sup>1</sup>, hereby ADOPTS said Supplemental Report and Recommendations.

It is therefore ORDERED that the Defendant's § 2255 Motion (Doc. No. 53) be dismissed with prejudice. Reasonable jurists would not disagree with this conclusion and Petitioner is therefore denied a certificate of appealability and the Court certifies that any appeal would not be taken in objective good faith.

April 3, 2012.

\*s/THOMAS M. ROSE

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Thomas M. Rose  
United States District Judge

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<sup>1</sup> The Supplemental Report and Recommendations was filed on February 27, 2012. When the mail was returned from Defendant's prior address, it was re-sent to his new address and the due date for objections reset to March 26, 2012 (See Doc. No. 59).